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SENATE BILL 64

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

John T. L. Grubescic

AN ACT

RELATING TO BUSINESS; AMENDING THE LIQUOR CONTROL ACT; IMPOSING
A FEE ON CUSTOMERS OF SEXUALLY ORIENTED BUSINESSES; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-3A-1 NMSA 1978 (being Laws 1981,
Chapter 39, Section 1, as amended) is amended to read:

"60-3A-1. SHORT TITLE.--Chapter 60, Articles 3A, 4B, 4C,
5A, 6A, 6B, 6C, 6E, 6F, 7A, 7B and 8A [~~of Chapter 60~~] NMSA 1978
may be cited as the "Liquor Control Act"."

Section 2. A new section of the Liquor Control Act,
Section 60-6F-1 NMSA 1978, is enacted to read:

"60-6F-1. [NEW MATERIAL] DEFINITIONS.--As used in Chapter
60, Article 6F NMSA 1978:

A. "nude" means:

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- 1 (1) entirely unclothed; or
- 2 (2) clothed in a manner that leaves uncovered
- 3 or visible through less than fully opaque clothing any portion
- 4 of the breasts below the top of the areola of the breasts, if
- 5 the person is female, or any portion of the genitals or
- 6 buttocks; and

7 B. "sexually oriented business" means a licensed
8 premises that provides for an audience of two or more
9 individuals live nude entertainment or live nude performances."

10 Section 3. A new section of the Liquor Control Act,
11 Section 60-6F-2 NMSA 1978, is enacted to read:

12 "60-6F-2. [NEW MATERIAL] IMPOSITION OF FEE--
13 ADMINISTRATION--DISTRIBUTION OF FEES.--

14 A. A fee is imposed on a sexually oriented business
15 in an amount equal to five dollars (\$5.00) for each entry by
16 each customer admitted to the business.

17 B. A sexually oriented business shall record daily
18 in the manner required by the director the number of customers
19 admitted to the business. The business shall maintain the
20 records for the period required by the director and make the
21 records available for inspection and audit on request by the
22 director.

23 C. Each calendar quarter, a sexually oriented
24 business shall:

- 25 (1) remit the fee imposed by this section to

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1 the state in the manner prescribed by the director; and

2 (2) file a report with the director in the
3 manner and containing the information required by the director.

4 D. The superintendent of regulation and licensing
5 shall establish procedures and adopt rules as required to
6 implement the provisions of Chapter 60, Article 6F NMSA 1978.

7 E. All fees received pursuant to Subsection C of
8 this section shall be distributed to the sexual crimes
9 prosecution and treatment fund."

10 Section 4. SEVERABILITY.--If any part or application of
11 this act is held invalid, the remainder or its application to
12 other situations or persons shall not be affected.

13 Section 5. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is January 1, 2009.

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